

60,130-1109
01MRA0216REMARKS

Applicant thanks the Examiner for the remarks and analysis contained in the Office Action. Claims 1, 6 and 12 have been amended. New claims 15-20 have been added. Claims 1-20 are currently pending in this application. Applicant respectfully requests reconsideration of this application.

Claim 6 was rejected under 35 U.S.C. §112. Applicant has corrected the clerical error in claim 6 so that it now depends from claim 5 and proper antecedent basis exists.

Claims 1, 2, 5 and 7-11 were rejected under 35 U.S.C. §102 as being anticipated by *Arnold, et al.* Applicant respectfully submits that there is no anticipation. The arrangement of *Arnold, et al.* relies upon a clutch spring restraining means 70 to maintain the brake-released position 8'. As stated, for example, in column 6, lines 11-20, the DC motor 50 of *Arnold, et al.* is deenergized when the moveable member 8 reaches the brake-released position and the arrangement of *Arnold, et al.* relies upon the helical clutch spring 70 to maintain the brake in the released position. *Arnold, et al.* do not rely upon an arrangement where the electrical actuator maintains the brake in the released position. Accordingly, there is no anticipation.

While the Examiner did not directly discuss claims 12-14, Applicant notes that the summary sheet of the Office Action indicates claims 12-14 are rejected. Assuming the Examiner would apply *Arnold, et al.* against those claims under 35 U.S.C. §102(b), Applicant respectfully traverses that rejection for the same reasons mentioned above.

None of the claims can be considered obvious under 35 U.S.C. §103 in view of *Arnold, et al.* because *Arnold, et al.* relies upon a spring clutch mechanism for maintaining the parking brake in a released position. There is no motivation or

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suggestion for modifying *Arnold, et al.* to eliminate that feature. There would be no benefit to doing so.

Applicant further submits that new claims 15-20 are allowable because they are directed to a driveline parking brake arrangement and none of the cited references show a driveline parking brake having the claimed features.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a telephone conference will facilitate moving this case forward to being issued, Applicant's representative would be happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Respectfully submitted,

CARLSON, GASKEY & OLDS

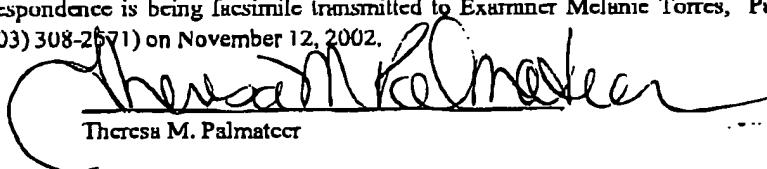
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Dated: November 12, 2002

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to Examiner Melanie Torres, Patent and Trademark Office (Fax No. (703) 308-2571) on November 12, 2002.


Theresa M. Palmateer

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01MRA0216APPENDIX 1**"VERSION WITH MARKINGS TO SHOW CHANGES MADE IN THE CLAIMS"**

1. (Amended) A parking brake assembly, comprising:
 - an engaging portion that is moveable into a braking position;
 - a spring that biases the engaging portion into the braking position; and
 - an electrically powered actuator that moves the spring against the bias of the spring and maintains a force against the bias of the spring to thereby release the engaging portion from the braking position and to maintain the engaging portion out of the braking position.
6. (Amended) The assembly of claim [4] 5, wherin the arm rotates about an axis of the arm and the rotation of the arm causes linear movement of the support.
12. (Amended) A method of controlling a vehicle parking brake that is spring activated, comprising the steps of:
 - (A) permitting the spring to bias the parking brake into a braking condition; [and]
 - (B) selectively releasing the parking brake by electrically powering an electrical actuator that causes movement of the spring against the bias of the spring; and
 - (C) maintaining a force using the electrical actuator to keep the parking brake released against the bias of the spring.